

California Regional Water Quality Control Board
Santa Ana Region

April 19, 2001

ITEM: 34

SUBJECT: Executive Officer's Report

DISCUSSION:

- 1. Use of Biosolids in Riverside County** – On March 20th, I attended and provided testimony at a meeting of the Riverside County Board of Supervisors (Board) concerning the use of biosolids for agricultural purposes in Riverside County. The purpose of this agenda item was for the Board to take testimony concerning whether restrictions, including a full prohibition, on the use of biosolids should be adopted by the Board for Riverside County. Both ends of the spectrum were represented in the testimony to the Board. Residents objected to the use of both biosolids and manure on cropland near residences, wastewater agencies (the sources of the biosolids) asked the Board to support and allow the county-regulated use of biosolids on cropland, and farmers strongly supported the continued use of biosolids and manure. Testimony concerning the history of farming on these properties included evidence that farming had occurred continuously for more than fifty years on some of the parcels in question. Given the history of farming and the desire of farmers to continue farming the area, this controversy raised many difficult questions for the Board to consider. Testimony from the county health officer indicated that no adverse health effects related to the use of biosolids for agriculture had been identified in the literature. During a previous hearing on this matter, one of the Supervisors asked about the position of the Regional Board on the use of biosolids for agricultural purposes. Regional Board staff prepared a letter indicating no objections to the use of biosolids, as long as that use is in conformance with federal, state and local regulations. During my testimony, the Board asked a number of questions concerning the use of biosolids and its potential to adversely impact Lake Elsinore. We also discussed TMDLs, the upcoming consideration of new water quality objectives by the Regional Board, and the potential for enforcement action against farmers and landowners who allow the application of excess manure on their property. At the end of the hearing, the Board decided to form a panel comprised of many of the stakeholders in this matter. The purpose of the panel is to bring recommendations to the Board to assist in their decision concerning the use of biosolids within the county. I have been asked and I have agreed to participate on this panel.

2. Inland Empire Utilities Agency (IEUA) Organics Management Center – I have continued my participation in the IEUA committee meetings to identify alternatives to the current IEUA Co-Composting Facility and to develop concepts for the long-term disposal of organics (biosolids and manure) for IEUA and other sources (mainly dairies) within the Chino Basin. A number of concerns with organics management activities at the current IEUA co-composting site have caused the IEUA Board to initiate a process, in partnership with their many stakeholders, aimed at relocating this site. This effort has alarmed a number of cities within the IEUA service area that are strongly opposed to moving the organics management activities any closer to their borders. The consultants who comprise the study team have gotten that message, and are now proposing project alternatives that are completely enclosed. The alternatives being considered include projects that would utilize digestion of manure and biosolids to generate gas that would be used for energy production, and composting projects that would be enclosed in buildings under negative air pressure, with air scrubbing through biofilters. While both types of projects would be less intrusive to residents within the area than the current co-composting operation, it is clear that biosolids and manure disposal costs will be higher with these alternatives. The consultants have put together a draft business plan, and the plan, along with all of the other documents generated during this process, are available at www.IEUA.org.

3. Administrative Civil Liability Complaints

a. Balboa Bay Club – On March 8, 2001, an administrative civil liability complaint was issued to the Balboa Bay Club, a private residential compound on Newport Bay, in response to a sewage spill that led to a beach closure. The complaint alleged that on September 20, 2000, up to 700 gallons of sewage spilled from the Club's privately-owned sewer system and entered Newport Bay, prompting the Orange County Health Care Agency to close to swimming the "Play Beach" section of Bayshore Beach. The cause of the spill was a grease blockage. The complaint proposed a civil liability of \$5,000, and the Balboa Bay Club settled the complaint by waiving its right to a public hearing and paying the liability proposed.

b. City of Garden Grove – On March 19, 2001, an administrative civil liability (ACL) complaint was issued to the City of Garden Grove for violations of the Board's General Waste Discharge Requirements for Discharges to Surface Waters Which Pose an Insignificant (De minimus) Threat to Water Quality, Order No. 98-67. The complaint alleged that between Friday, September 8 and Monday, September 12, 2000, construction-dewatering wastes that violated the effluent limitations contained in Order No. 98-67 were discharged.

During a dewatering operation in an area of shallow ground water adjacent to two gasoline stations that had experienced leaking underground fuel tanks, a contractor for the City, and a dewatering sub-contractor, proceeded to dewater without providing adequate treatment, and wastes with a strong odor of gasoline were discharged to nearby street gutters. (One gasoline station had previously closed, and the other was undergoing tank replacement at the time the construction dewatering was taking place.) Groundwater contamination resulting from the tank leaks had previously been reported at the site of the project. The discharge was eventually reported to local authorities, who sampled it and notified Board staff. Board staff determined that the discharges violated Order No. 98-67. (The City also failed to provide Board staff with advanced notice of the discharge or to properly sample the discharge, both of which are required by the order.)

The complaint issued to the City of Garden Grove proposed a civil liability of \$32,010, and the City settled the complaint by waiving its right to a public hearing and paying the proposed liability.

c. Catellus Development Corporation – On December 15, 2000, an administrative civil liability complaint was issued to Catellus Development Corporation for alleged violations of the State's General Permit for Storm Water Discharges Associated with Construction Activity. Catellus failed to obtain coverage under the State's General Permit prior to the start of construction activities at six construction sites in Rancho Cucamonga. Alleged violations also included failure to develop site-specific Storm Water Pollution Prevention Plans and inadequate implementation of Best Management Practices, resulting in the discharge of non-storm water containing pollutants into the storm drain and to waters of the United States. The proposed assessment was \$77,350.

On February 9, 2001, a second administrative civil liability complaint was issued to Catellus for additional violations of the State's General Permit at two of the sites previously cited in the earlier complaint and one new construction site in Rancho Cucamonga. Catellus was alleged to have discharged approximately 12,000 gallons of street wash water containing pollutants into unprotected and inadequately protected storm drains in the vicinity of the three sites. Catellus also failed to develop a site-specific Storm Water Pollution Prevention Plan for the new construction site. The proposed assessment was \$66,400.

Subsequently, Catellus developed and submitted Storm Water Pollution Prevention Plans and provided additional information regarding the violations cited above. Based on the additional information provided, the proposed assessments were reduced (Complaint No. 00-93 to \$65,350 and Complaint No. 01-38 to \$34,400, for a total of \$99,750). On March 29, 2001, Catellus agreed to these amounts and waived its right to a hearing.

d. Pacific Plastics – On March 19, 2001, an administrative civil liability complaint was issued to Pacific Plastics, Inc., for alleged violations of the State's General Permit for Storm Water Discharges Associated with Industrial Activities. Pacific Plastics is alleged to have violated the General Permit by discharging pollutants to waters of the United States and by not implementing appropriate best management practices at its facility in Brea. The proposed assessment for these violations was \$6,400.00. On April 3, 2001, Pacific Plastics waived its right to a hearing and agreed to pay the assessment.

Gerard J. Thibeault
Executive Officer